

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MOLDEX-METRIC, INC.,

Plaintiff,

vs.

3M COMPANY and 3M INNOVATIVE
PROPERTIES COMPANY,

Defendants.

Civil No. 14-1821 (JNE/FLN)

**DECLARATION OF
MATTHEW HOSEN IN
SUPPORT OF MOLDEX'S
REPLY IN SUPPORT OF ITS
MOTION FOR SUMMARY
JUDGMENT ON 3M'S
"UNCLEAN HANDS"
AFFIRMATIVE DEFENSE**

I, MATTHEW HOSEN, hereby declare and state as follows:

1. I am an attorney with the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, admitted *Pro Hac Vice*, representing Plaintiff Moldex-Metric, Inc. ("Moldex") in this action.

2. This Declaration is submitted, under penalty of perjury, in connection with Moldex's Motion for partial summary judgment on 3M's "unclean hands" affirmative defense. In accordance with 28 U.S.C. Sec. 1746, I intend this Declaration to have the same binding legal effect as an affidavit signed by me. The materials that are either referenced in or attached to this Declaration relate to Moldex's requests for summary judgment on the objective baselessness and probable cause elements of Moldex's sham litigation and malicious prosecution claims, respectively.

3. Attached hereto as Exhibit 1 is a true and correct copy of relevant pages from the transcript of Julie Bushman's October 20, 2015 deposition testimony in this action. (FILED UNDER SEAL).

4. Attached hereto as Exhibit 2 is a true and correct copy of relevant pages from the transcript of Ronald Kieper's October 9, 2015 deposition testimony in this action. (FILED UNDER SEAL)

5. Attached hereto as Exhibit 3 is a true and correct copy of relevant pages from the transcript of James Hornstein's September 25, 2015 deposition testimony in this action. (FILED UNDER SEAL)

6. Attached hereto as Exhibit 4 is a true and correct copy of Aeero Technologies' dual-ended Combat Arms earplug packaging, dated 2007, bearing production control number 3M00001505. (FILED UNDER SEAL)

7. Attached as Exhibit 1037 is a true and correct copy of what has been marked as Deposition Exhibit 1037, bearing production control numbers Moldex00158426-158454.

8. Attached as Exhibit 5211 is a true and correct copy of what has been marked as Deposition Exhibit 5211, bearing production control numbers 3M00116386 – 391. (FILED UNDER SEAL)

9. Attached as Exhibit 5501 is a true and correct copy of what has been marked as Deposition Exhibit 5501, bearing production control numbers 3M00116929-30. (FILED UNDER SEAL)

10. Attached as Exhibit 5645 is a true and correct copy of what has been marked as Deposition Exhibit 5645, bearing production control numbers 3M00083680-83685. (FILED UNDER SEAL)

I DECLARE, UNDER PENALTY OF PERJURY, THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT.

Executed on: May 6, 2016

/s/ Matthew Hosen

Matthew Hosen